



# PCT

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

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| Applicant's or agent's file reference<br><br>M/WIT-121-PC   | FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416) |   |
| International application No.<br><br>PCT/IB2003/002132  | International filing date (day/month/year)<br><br>21 May 2003 (21.05.2003)   | Priority date (day/month/year)<br><br>04 June 2002 (04.06.2002) |
| International Patent Classification (IPC) or national classification and IPC<br><br>A63C 9/02, 9/20, 9/08 |  |   |
| Applicant<br><br>ROTTEFELLA AS  |  |   |

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 5 sheets, including this cover sheet.

This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of 4 sheets.

3. This report contains indications relating to the following items:

- I  Basis of the report
- II  Priority
- III  Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV  Lack of unity of invention
- V  Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI  Certain documents cited
- VII  Certain defects in the international application
- VIII  Certain observations on the international application

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|---|---|
| Date of submission of the demand<br><br>24 December 2003 (24.12.2003)   | Date of completion of this report<br><br>07 September 2004 (07.09.2004) |
| Name and mailing address of the IPEA/EP<br><br>D-80298 Munich<br>Tel. +49 89 2399-0<br>Facsimile No. +49 89 2399-4465 | Authorized officer<br><br>Lundblad, H<br>Telephone No. +49 89 2399-8190 |

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International application No.

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**I. Basis of the report**

1. This report has been drawn on the basis of (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to the report since they do not contain amendments.*):

 the international application as originally filed. the description, pages 1-8, as originally filed,  
pages \_\_\_\_\_, filed with the demand,  
pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_,  
pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_. the claims, Nos. \_\_\_\_\_, as originally filed,  
Nos. \_\_\_\_\_, as amended under Article 19,  
Nos. \_\_\_\_\_, filed with the demand,  
Nos. 1-12, filed with the letter of 05 June 2004 (05.06.2004),  
Nos. \_\_\_\_\_, filed with the letter of \_\_\_\_\_. the drawings, sheets/fig 1/3-3/3, as originally filed,  
sheets/fig \_\_\_\_\_, filed with the demand,  
sheets/fig \_\_\_\_\_, filed with the letter of \_\_\_\_\_,  
sheets/fig \_\_\_\_\_, filed with the letter of \_\_\_\_\_.

2. The amendments have resulted in the cancellation of:

 the description, pages \_\_\_\_\_  
 the claims, Nos. \_\_\_\_\_  
 the drawings, sheets/fig \_\_\_\_\_

3.  This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

4. Additional observations, if necessary:

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## V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

## 1. Statement

|                               |        |      |     |
|-------------------------------|--------|------|-----|
| Novelty (N)                   | Claims | 1-12 | YES |
|                               | Claims |      | NO  |
| Inventive step (IS)           | Claims | 1-12 | YES |
|                               | Claims |      | NO  |
| Industrial applicability (IA) | Claims | 1-12 | YES |
|                               | Claims |      | NO  |

## 2. Citations and explanations

Reference is made to the following documents:

D1: WO96/23558

D2: DE-A-27 14 853

Document D1 is considered the prior art closest to the subject matter of claim 1 and discloses (the references between parentheses refer to that document) :

A ski binding comprising:

A front retaining element (figure 3 (22)) which is assigned to the front sole end, a rear retaining element (rear part of figure 3 (12)) which catches the front sole or the heel of the ski boot, and a tensioning device (page 8, line 33) which acts between the front and the rear retaining elements and by means of which the ski boot can be clamped between the front and the rear retaining elements such that the heel can be freely lifted (figure 3), the front retaining element being mounted so as to be pivotable relative to the binding or the ski and relative to the rear retaining element about an axis that extends transversely to the longitudinal

direction of the binding or sole and approximately parallel to the sole tread (figure 3 and third paragraph on page 8).

The subject matter of claim 1 thus differs from the known ski binding in that the front retaining element is an overreaching clip and in that the swivelling axis for the rear retaining element is coincident to the swivelling axis for the front retaining element.

The subject matter of claim 1 is therefore novel (PCT Article 33(2)).

The present invention can thus be considered to address the problem of developing a ski binding that allows the boot greater freedom of movement.

The solution to this problem proposed in claim 1 of the present application involves an inventive step for the following reasons (PCT Article 33(3)):

The prior art does not disclose *per se* a ski binding with movable front and rear retaining elements with coincident swivelling axes. Nor would a person skilled in the art devise this solution from his own general technical knowledge, since it is technically more complex than the ski bindings disclosed in the prior art.

Claims 2 to 12 are dependent on claim 1 and therefore likewise meet the PCT requirements for novelty and inventive step.

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The PCT requirements in respect of industrial applicability (PCT Article 33(4)) are also clearly satisfied.